

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALPHA PHI ALPHA FRATERNITY INC., et al.,)	No. 1:21-CV-05337-SCJ
)	

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State
of Georgia,

Defendant.

COAKLEY PENDERGRASS et al.,)	No. 1:21-CV-05339-SCJ
)	

Plaintiffs,

v.

BRAD RAFFENSPERGER et al.,

Defendants.

ANNIE LOIS GRANT et al.,)	No. 1:22-CV-00122-SCJ
)	

Plaintiffs,

v.

BRAD RAFFENSPERGER et al.,

Defendants.

**MOTION FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN
OPPOSITION TO DEFENDANTS’ PROPOSED REMEDIAL MAPS**

Proposed Amici Curiae (“Proposed Amici”), the Georgia State Conference of the NAACP (“GA NAACP”), the Georgia Coalition for the People’s Agenda, Inc. (“GCPA”), GALEO Community Development Fund, Inc. (“GALEO”), Common Cause, League of Women Voters of Georgia, Dr. Cheryl Graves, Dr. Ursula Thomas, Dr. H. Benjamin Williams, Jasmine Bowles, and Brianne Perkins move this Court for leave to file an amicus brief objecting to the remedial maps enacted by the State following this Court’s October 26, 2023 decision in *Alpha Phi Alpha Fraternity, Inc v. Raffensperger*, No. 21-05337, 2023 WL 7037537 (N.D. Ga. Oct. 26, 2023) (the “Court Order”) that held Georgia’s Congressional, Senate, and House maps violated Section 2 of the Voting Rights Act of 1965. Proposed Amici will ask the Court to appoint a special master to redraw the maps, after entertaining public comment.

This remedial action involves matters of significant public and legal interest for Proposed Amici. Proposed Amici are plaintiffs in a suit pending before a three-judge panel of this Court, challenging the maps that are subject to the remedial proceeding in this case on both constitutional grounds and under Section 2 of the Voting Rights Act. *See Georgia State Conference of the NAACP et al. v. State of Georgia*, No. 21-5338 (N.D. Ga); *Common Cause et al. v. Raffensberger*, No. 22-00090 (N.D. Ga). Trial in that case has been stayed as a result of the Court’s order

in this case enjoining further use of the challenged maps. Proposed Amici's claims in the *GA NAACP* case overlaps to some extent with those in this case.

Proposed Amici include nonpartisan organizations which represent thousands of Georgians, many of whom are now at risk of having their voting power diluted if Defendants' proposed remedial maps go into effect in Georgia. Proposed Amici are dedicated to eliminating barriers to voting and increasing civic engagement among their members and in traditionally disenfranchised communities. Proposed Amici expend substantial resources on voter education and turnout efforts.

The GA NAACP is a is a non-partisan, interracial, nonprofit membership organization that seeks to eliminate racial discrimination through democratic processes and ensure the equal political, educational, social, and economic rights of all persons, in particular African Americans. GALEO is a non-partisan, nonprofit corporation dedicated to increasing civic engagement and leadership development of the Latinx community across Georgia. The GCPA is an umbrella organization of human rights, civil rights, labor, women's, youth, and peace and justice groups which advocate for, among other things, voting rights protection and elimination of barriers to the ballot box for all Georgians. Common Cause is a non-profit corporation and nonpartisan democracy group dedicated to fair elections and making government at all levels more representative, open, and responsive to the interests of all people. The League of Women Voters of Georgia is a nonpartisan, nonprofit, grassroots

organization committed to empowering voters and defending democracy in Georgia since 1920, especially for those who have been left out of the democratic process.

Proposed Amici also include Dr. Cheryl Graves, Dr. Ursula Thomas, Jasmine Bowles, Dr. H. Benjamin Williams, and Brianne Perkins, who are Black registered voters who reside in the Metro Atlanta, Georgia area.

The Court holds the inherent authority to grant leave to file an amicus brief where *amici* demonstrate a sufficient interest in the litigation. *Ga. Aquarium, Inc. v. Pritzker*, 135 F. Supp. 3d 1280, 1288 (N.D. Ga 2015); *DeJulio v. Georgia*, 127 F. Supp.2d 1274, 1285 (N.D. Ga 2001). Proposed Amici meet that standard.

The *Alpha Phi Alpha* and *Grant/Pendergrass* Plaintiffs do not oppose Proposed Amici's motion. Defendants take no position on the motion.

Accordingly, Proposed Amici respectfully request that the Court grant them leave to file the amicus brief attached hereto as Exhibit A—as well as the Declaration of Dr. Moon Duchin, attached hereto as Exhibit B—urging the Court to reject the Defendants' proposed remedial maps.

Dated: December 12, 2023

Respectfully submitted,

By: /s/ Kurt Kastorf
Georgia Bar No. 315315

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LOCAL RULE 7.1(D) CERTIFICATION OF COMPLIANCE

I certify that this pleading has been prepared with Times New Roman font, 14 point, as approved by the Court in L.R. 5.1(C), N.D. Ga.

Dated: December 12, 2023

/s/ Kurt Kastorf

Kurt Kastorf (Georgia Bar No. 315315)

Attorney for Plaintiffs

Lawyers' Committee for Civil Rights Under Law

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

Dated: December 12, 2023 /s/ Kurt Kastorf
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